IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
) 2:11-cv-532
)
)
)

MEMORANDUM ORDER

Pending before the Court is the MOTION FOR REMAND (Document No. 5), filed by Plaintiff Knichel Management Corporation d/b/a Knichel Logistics, LP ("Knichel"), with brief in support. Defendant Travelers Property Casualty Company of America ("Travelers") has filed a brief in opposition to the motion.

On its face, this case involves an insurance claim between parties of diverse citizenship in an amount of less than \$40,000. Subject-matter jurisdiction is non-waivable and the Court has an independent duty to ensure that it may continue to exercise jurisdiction. *See Nesbit v. Gears Unlimited, Inc.*, 347 F.3d 72, 76-77 (3d Cir. 2003). Accordingly, on May 16, 2011, the Court issued a Memorandum Order which directed Plaintiff to clarify the amount in controversy.

On May 18, 2011, Plaintiff filed a Declaration which stated that the amount in controversy is less than this Court's diversity jurisdiction threshold of \$75,000.00, and that it is willing to irrevocably remit all damages in excess of \$75,000.00 should this action be remanded to the Court of Common Pleas of Allegheny County, Pennsylvania. Plaintiffs are "masters of their own claims" and may limit their claims to avoid federal subject matter jurisdiction.

Morgan v. Gay, 471 F.3d 469, 474 (3d Cir. 2006).

In accordance with the foregoing, the MOTION FOR REMAND (Document No. 5) is **GRANTED**. This case shall be REMANDED to the Court of Common Pleas of Allegheny County, Pennsylvania **FORTHWITH**.

SO ORDERED this 19th day of May, 2011.

BY THE COURT:

<u>s/Terrence F. McVerry</u> United States District Judge

cc: Peter B. Skeel, Esquire

Email: pskeel@summersmcdonnell.com

Matthew C. Lenahan, Esquire Email: mlenahan@dgmblaw.com